GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4826
ANSWERED ON:24.08.2000
DISCIPLINE AND EFFICIENCY FOR BETTER ADMINISTRATION
SADASHIVRAO DADOBA MANDLIK

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether recently the Supreme Court has suggested to bring discipline and efficiency for better administration among the Government and Judicial officers; and

(b) if so, the steps, the Government propose to be taken in this regard?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND MINISTER OF STATE (MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY)

(a) Yes, Sir.

(b) The Supreme Court of India, vide its judgement of June 26, 2000, in Writ Petition (Civil) No.376 of 2000 in Ramesh Chandra Acharya Vs. Registrar, High Court of Orissa, Cuttack and ANR, held, in the context of judicial officers, that continuation beyond 58 years is permissible only when the High Court makes a positive recommendation in favour of that officer for such continuation. Otherwise, the judicial officer has to retire at the age of 58 years. This can be departed from only when the State makes specific rule otherwise`. The Supreme Court directed that the High Court/Tribunals/other Authorities may decide the cases by following the judgement and may also communicate the decision to the Subordinate Courts/other authorities and direct them to take action accordingly.